

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Private Aided Degree Colleges – High Court of A.P., Hyderabad Judgment dated 05-11-2009 in W.P.No.198 of 2004 filed by Dr. M.Laxmana Rao, Principal (retired), K.G.R.L. College, Bhimavaram, West Godavari District – Payment of salary for the period the petitioner worked beyond superannuation i.e., from February, 2004 to March, 2006 – Sanction – Orders – Issued.

HIGHER EDUCATION (CE.II-1) DEPARTMENT

G.O.Rt.No. 779

Dated:18-10-2010.
Read the following:-

1. From Dr.M.Laxmana Rao, Principal, KGRL College, Bhimavaram, representation dated 17-10-2003
2. Memo.No.SP-6182/CE.II-1/2003-1, Edn., dated 12-11-2003.
3. Interim orders of Hon'ble High Court of A.P., dated 6-1-2004 in WPMP No.282/2004 in W.P.No.198/2004.
4. From the D.C.E., A.P., Hyderabad, Lr.No.967/Admn.III-1/2003, dated 11-09-2004.
5. From the C.C.E., A.P., Hyd., Lr.Rc.No.967/Admn.III-1/2003, dt.17-6-2004.
6. Judgment of Hon'ble High Court of A.P., Hyd., dated 05-11-2009 in W.P.No.198 of 2004.
7. Govt. Memo.No.5955/CE.II-1/2003-10, dt.22-2-2010)
8. From the C.C.E., A.P., Hyderabad, Lr.Rc.No.967/Admn.III-1/03, dated 09-04-2010

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ORDER:-

Dr. M.Laxmana Rao, Principal, (Retired) KGRL College, Bhimavaram, West Godavari District has represented to Government that he was appointed as Lecturer in Economics in KGRL College, Bhimavaram on 24-09-1975, and was promoted as Principal in the year 1994. At the time of joining, his date of birth was recorded in his service book as 8-1-1946, but he was born on 20-3-1948, at Augustan Hospital, Bhimavaram. He obtained a certificate from hospital authorities and made representation to the Secretary & Correspondent, KGRL College, Bhimavaram to correct his date of birth as 20-03-1948. The management rejected his request. Aggrieved by the said orders he filed O.S.No.103/90 in the Principal District Munisif Court, Bhimavaram. The Hon'ble Principal District Court in its order dated 4-4-1994 in O.S.No.103/1990 has issued mandatory directions to the defendants to make necessary corrections in the relevant record that the date of birth of plaintiff as 20-3-1948. The Additional Joint Secretary to the Commissioner for Government Examinations, A.P., Hyderabad vide his Proceedings D.Dis No.1497/H3/2001, dated 23-11-2003 effected necessary correction to his date of birth as 20-03-1948 in his SSLC record. Accordingly, the Secretary & Correspondent, KGRL College, Bhimavaram has represented to the D.C.E., A.P., Hyderabad to accord permission to correct the date of birth accordingly. The D.C.E., vide his Proceedings Rc.No.967/Admn.III-1/2003, dated 18-9-2003, has rejected the request. Aggrieved by these orders, Dr.M.Laxmana Rao, filed W.P.No.198/2004, in the Hon'ble High Court of A.P., seeking directions to continue him as Principal of respondent college till the end of March, 2006, the Hon'ble High Court in its interim order third read above has suspended the impugned Proceedings. He has therefore requested to the Government to correct his date of birth in his service register.

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2. The Hon'ble High Court in its order sixth read above held that:---

"The writ petition is therefore allowed setting aside the proceedings of the second respondent in Rc.No.967/Admn.III-1/2003, dated 18-9-2003 and consequently directing the respondents to treat the petitioner's date of birth as 20-03-1948 and not 08-01-1946 for all purposes. The respondents shall pay the salary and other benefits due to the petitioner for the service rendered by him up to March, 2006 and shall also take in to account such service for the purpose of reckoning his pensionery and retirement benefits. The amount due to the petitioner pursuant to this order shall be remitted within a period of three months from the date of receipt of a copy of this order. In the circumstances of the case, there shall be no order as to costs".

3. In pursuance to the orders of Hon'ble High Court of Andhra Pradesh, above, and in the circumstances reported by the CCE in his letters read above the Government after careful examination of the matter hereby accord sanction for payment of salary to Dr.M.Laxmana Rao, Retired Principal, KGRL College, Bhimavaram, W.G. District for the period the petitioner worked beyond superannuation i.e., from February, 2004 to March, 2006.

4. The Commissioner of Collegiate Education, A.P., Hyderabad shall take action accordingly.

5. This order issues with the concurrence of Finance (FR.I) Dept., vide their U.O.No.21916/489/FR.I/10, dated 07-08-2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R. BISWAL,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Commissioner of Collegiate Education, A.P., Hyderabad.

The individual "thro" C.C.E., A.P., Hyderabad.

The A.G., (A&E) A.P., Hyderabad.

The District Treasury Officer, East Godavari District.

The Secretary & Correspondent, KGRL College, Bhimavaram, W.G. District.

Copy to:

Finanace (Expr.HE) Department.

P.S. to Minister (HE)

P.S. to Principal Secretary (HE)

SF/SC.

C.C. to file.

// FORWARDED :: BY ORDER //

SECTION OFFICER.